

REMARKS

I. INTRODUCTION

In response to the Office Action dated October 19, 2004, claim 29 has been amended. Claims 1, 3-12, 14-28, and 30-45 remain in the application. Entry of these amendments, and re-consideration of the application, as amended, is requested.

II. CLAIM AMENDMENTS

Applicant's attorney has made amendments to the claims as indicated above. These amendments were made solely for the purpose of eliminating minor errors and to clarify the language of the claims, and were not required for purposes of patentability.

III. NON ART REJECTIONS

Claims 29-45 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

Claim 29 has been amended to recite the backup processor instead of the "second processor." The Applicant believes that as amended, claim 29 complies with 35 U.S.C. § 112.

Claim 29 has also been amended to recite a smartcard apparatus, thus providing claims 30-45 with antecedent basis for the "apparatus" and rendering these claims compliant with 35 U.S.C. § 112.

IV. STATUS OF CLAIMS

Claims 1, 3-12, 14-28, and 30-45 are pending in the application.

Claim 29 was rejected under 35 U.S.C. §102(b) as being anticipated by Wilson, U.S. Patent No. 5,742,680 (Wilson), and these rejections are being appealed.

Claim 30 was rejected under 35 U.S.C. §103(a) as being unpatentable over Wilson in view of Streck, U.S. Patent No. 4,916,296 (Streck), and these rejections are being appealed.

V. ALLOWABLE SUBJECT MATTER

In paragraph 16, the Final Office Action allowed claims 1, 3-12 and 14-28, and indicated that the subject matter of claims 31-45 would be allowable if rewritten to overcome the rejections under 35 U.S.C. §112, second paragraph, set forth in the Office Action and to include all of the limitations of the base claim and any intervening claims.

VI. REFERENCES

A. The Wilson Reference

U.S. Patent No. 5,742,680 discloses a system and corresponding method for selecting one of a plurality of simultaneously received encrypted direct broadcast satellite (DBS) signals for decryption and viewing. A converter box or decrypting device is provided with a plurality of different decrypting smart cards, all of which are simultaneously inserted in the converter box. The user or viewer scans the received signals and selects one for viewing. The different decrypting algorithms of the different smart cards respectively correspond to the different encryptions of the received DBS signals so that the selected encrypted signal is decrypted by the appropriate and corresponding decrypting smart card and subsequently decompressed and viewed.

Importantly, the Wilson reference does not disclose two processors on a smartcard, but rather, the use of multiple smartcards with a single receiver.

B. The Streck Reference

U.S. Patent No. 4,916,296 discloses a smart card which transmits its stored data by means of light modulated by a spatial light modulating device. In one embodiment, the reader for the smart card includes apparatus for producing the beam of light and for directing it on the smart card and the card includes provision for directing the beam of light through the light modulator. For medical alert device use, and the like, the reader includes a slot for receiving the smart card directly therein. Optionally, reflectors or optic fibers can direct the light beam on the smart card. In one version, solar cell(s) carried by the smart card convert light incident thereon into power for the card. In a variation thereof, there is a light splitter for splitting the beam of light into a portion directed onto the solar cell(s) for producing power and a portion directed through the light modulator. In an

active embodiment, the light modulator includes light producing apparatus for producing the beam of light as a modulated beam such as an infrared diode. Also disclosed is a smart card traffic enforcement system wherein a plurality of the smart cards are carried by the automobiles on the highway and contain information about the respective automobiles. The sensing apparatus adapted to be disposed adjacent the highway for reading the smart cards, for checking the legality of the associated automobile against preestablished legal conditions, and for causing a citation to be issued against automobiles operating in violation of legal conditions.

VII. ARGUMENTS

In paragraph (12), the Office Action rejects claim 29 as unpatentable under 35 U.S.C. § 102(b) in view of the Wilson reference. The Applicant respectfully traverses this rejection.

Claim 29 recites:

*A smart card apparatus, comprising:
a primary processor, for decrypting an encrypted program signal; and
a backup processor, for decrypting the encrypted program signal;
wherein the primary processor is activated by a primary activating signal and the backup processor is
activated by a backup activating signal differing from the primary activating signal.*

According to the Final Office Action, the foregoing features are disclosed in column 1, lines 5-16 and claim 1 of the Wilson patent. However, Wilson does not disclose a smartcard with the foregoing features, but rather, a plurality of smartcards. Further, the Applicant does not understand where the foregoing teaches that *the primary processor is activated by a primary activating signal and the backup processor is activated by a backup activating signal differing from the primary activating signal.* Accordingly, the Applicant respectfully traverses this rejection.

In paragraph (13)-(14), the Final Office Action rejects claim 30 as unpatentable under 35 U.S.C. § 103(a) over the Wilson reference in view of the Streck reference. The Applicant respectfully traverses this rejection.

According to the Final Office Action "Streck Disclose[s] a smart card having an electrical device for generating and receiving [a] signal (see fig 9 block 80)." This feature is illustrated below:

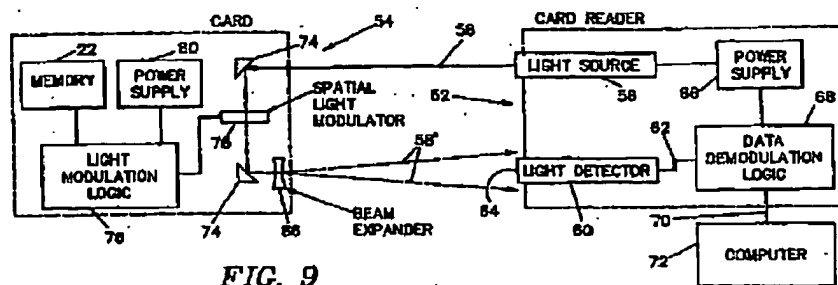


FIG. 9

However, claim 30 recites that the primary and backup processor is communicable with an electrical device for receiving the program signal (which the two processors in the card decrypt, as recited in claim 1). These features do not appear to be disclosed in the Wilson or Streck references, whether considered individually or when combined. The Applicant also questions whether one of ordinary skill in the art would be motivated to modify the Wilson reference (which deals with the encryption and secure transmission of data) to incorporate the features of the Streck reference, which is directed to optical (and presumably, interceptable) transmission of data from the card to a card reader.

VIII. CONCLUSION

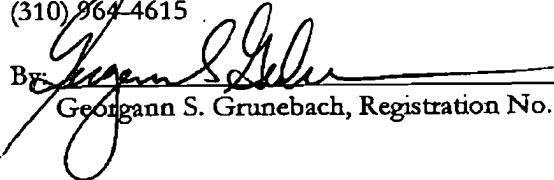
In view of the above, it is submitted that this application is now in good order for allowance and such allowance is respectfully solicited. Should the Examiner believe minor matters still remain that can be resolved in a telephone interview, the Examiner is urged to call Applicant's undersigned attorney.

Respectfully submitted,

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